

Claims 1-10 remain in the application. Claim 9 has been amended.

In item 3 on page 2 of the above-identified Office action, claim 9 has been objected to because of one informality. Claim 9 has been corrected as suggested by the Examiner.

In item 3 on page 2 of the Office action, claims 1-10 have been rejected as being obvious over *Mai et al.* (US 4,445,266) in view of *Zdebel et al.* (US 4,837,176) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

initially providing a whole-area polysilicon layer;

covering the polysilicon layer with an oxidation protection layer;

structuring the oxidation protection layer by photolithography to produce a mask covering a gate region and a field region of the transistor by etching the oxidation protection layer and uncovering the polysilicon in unmasked regions, causing the oxidation protection layer remaining over the field region to form a dielectric and the underlying polysilicon to form a first electrode of the capacitor;

converting the polysilicon of the polysilicon layer in regions freed from the oxidation protection layer into silicon dioxide by local oxidation;

applying a further polysilicon layer with an inclusion of a remaining oxidation protection layer;

applying and structuring a photoresist mask to cover a region of the further polysilicon layer disposed above the field region for forming a second electrode of the capacitor; and

producing the second electrode of the capacitor by etching the further polysilicon layer in the unmasked regions.

*Mai et al.* disclose a MOSFET fabrication process for reducing overlap capacitance and reducing interconnect impedance. As the Examiner stated, *Mai et al.* do not disclose the formation of a second silicon layer that rests on top of the oxidation layer. Furthermore, *Mai et al.* do not disclose converting silicon to silicon dioxide in order to structure the polysilicon layer; in *Mai et al.* the polysilicon layer is

structured by a conventional etching process. The conversion of silicon to silicon dioxide in order to structure the polysilicon layer is a critical part of the invention of the instant application and has various advantages. For example, this method does not cause any gate oxide overetching and no associate hollow groove formation, also there is a steady increase in the gate oxide thickness, thereby, avoiding local field strength peaks. Furthermore, the insulation strength of the second polysilicon layer is determined only by the planar and therefore easy-to-control thickness of the nitride layer. See page 5 of the specification for a more detailed discussion of the unexpected advantages of the invention of the instant application.

*Zdebel et al.* disclose a process which is used to produce small device areas using polycrystalline silicon layers in order to reduce the size of device region below normal photolithographic tolerances. However, applicant do not see how this process relates to the subject matter of the instant invention.

It is accordingly believed to be clear that neither *Mai et al.* nor *Zdebel et al.*, whether taken alone or in combination, show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since claims 2-

10 are ultimately dependent on claim 1, they are believed to be patentable as well.

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In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$ 110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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